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5 UNITED STATES DISTRICT COURT
6 DISTRICT OF NEVADA

7 IGNACIO ALCANTARA-RODRIGUEZ,)
8 Plaintiff,)
9 v.)
10 C/O VALLESTER et al.,)
11 Defendants.)
12 _____)

3:16-cv-00509-RCJ-WGC

ORDER

13 **I. DISCUSSION**

14 On July 12, 2017, this Court entered a screening order granting Plaintiff leave to
15 amend. (ECF No. 4 at 9). The screening order stated that, if Plaintiff chose not to file an
16 amended complaint curing the stated deficiencies of his complaint, the action would only
17 proceed on the deliberate indifference claims against Correctional Officer Vallester and
18 Caseworker Jane Doe and Nurse Jane Doe (when Plaintiff learned their identities). (*Id.* at 9).
19 On July 20, 2017, Plaintiff notified the Court that he did not want to file an amended complaint
20 but did want to proceed against Correctional Officer Vallester and Doe defendants when he
21 learned their identities. (ECF No. 6).

22 On July 24, 2017, this Court issued an order staying the case for 90 days to give
23 Plaintiff and Defendant Vallester an opportunity to settle their dispute before the filing fee was
24 paid, an answer was filed, or the discovery process began. (ECF No. 7 at 2). The Court
25 directed the Attorney General's Office to notify the Court whether it would enter a limited notice
26 of appearance on behalf of Defendant Vallester for the purpose of settlement. (*Id.* at 3).

27 On August 10, 2017, the Attorney General's Office informed the Court that it could not
28 make a limited appearance for the purpose of settlement because Defendant Vallester, the
only remaining defendant in this action, was no longer employed by the Nevada Department

1 of Corrections. (ECF No. 8 at 1). The Attorney General's Office explained that it could not
2 appear on Defendant Vallester's behalf because it had not received a request for
3 representation from him. (*Id.*).

4 In light of the Attorney General Office's notice, the Court now orders the Attorney
5 General's Office to send a letter to Defendant Vallester at his last known address informing
6 him that he is a defendant in this lawsuit. In that letter, the Attorney General's Office shall ask
7 Defendant Vallester if he would like the Office to represent him in this matter. Within 30 days
8 from the date of this order, the Attorney General's Office shall file an updated notice with the
9 Court informing the Court whether it will be entering a limited notice of appearance on behalf
10 of Defendant Vallester for the purpose of settlement in light of that letter.

11 If the Attorney General's Office enters a limited notice of appearance on behalf of
12 Defendant Vallester for the purpose of settlement, the Court shall schedule an early inmate
13 mediation conference. However, if the Attorney General's Office notifies the Court that it will
14 not be entering a limited notice of appearance in light of its communication with Defendant
15 Vallester, the Court will issue an order that: (1) removes this case from the early inmate
16 mediation program, (2) rules on the application to proceed *in forma pauperis*, and (3) begins
17 the service process with the U.S. Marshal's Office.

18 **II. CONCLUSION**

19 For the foregoing reasons, IT IS ORDERED that the Attorney General's Office shall
20 send a letter to Defendant Vallester at his last known address informing him of this lawsuit and
21 asking whether he seeks to have the Office represent him for the limited purpose of
22 settlement.


23 IT IS FURTHER ORDERED that, within 30 days from the date of this order, the
24 Attorney General's Office shall file an updated notice with the Court informing the Court about
25 Defendant Vallester's representation status.

26 IT IS FURTHER ORDERED that, within 30 days from the date of this order, the
27 Attorney General's Office shall advise the Court whether it will enter a limited notice of
28 appearance on behalf of Defendant Vallester for the purpose of settlement. No defenses or

1 objections, including lack of service, shall be waived as a result of the filing of the limited notice
2 of appearance.

3 IT IS FURTHER ORDERED that, if this case remains in the early inmate mediation
4 program, the Court extends the 90-day stay and the deadline for the 90-day stay status report
5 until 5 days after any scheduled mediation.

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7 DATED: This ^{11th} day of August, 2017.

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10 United States Magistrate Judge
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